

August 27, 2019

Agenda Action Report
prepared for the
Cascade County Commission

ITEM: Mental Health Local Advisory Council

PRESENTED BY: Commission

Mental Health Local Advisory Council

<u>Applicant</u>	<u>Vacancy (1)</u>	Fill Remainder of Term
Jennifer Whitfield, LCPC	_____	Provider

(Filling vacancy for resignation of Steven Humphries-Wadsworth)

August 27, 2019

Agenda Action Report
prepared for the
Cascade County Commission

ITEM: Tax Appeal Board

PRESENTED BY: Commission

Tax Appeal Board (Alternate)

Applicant
Thomas Hazen

Vacancy (2)

Term Expiration: April 30, 2022

August 27, 2019

Contract #19-127

Agenda Action Report *Prepared for the* **Cascade County Commission**

ITEM: Interlocal Agreement with the Montana
Department of Justice, Motor Vehicle Division

INITIATED AND PRESENTED BY: Sean Higginbotham, IT Director

ACTION REQUESTED: Approval of Contract #19-127

BACKGROUND:

The purpose of this Interlocal Agreement is to set forth a framework under which Cascade County and the Montana Department of Justice, Motor Vehicle Division will provide services to the citizens relating to the titling and registration of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, snowmobiles special mobile equipment and off-highway vehicles and the collection of taxes and fees attendant to those registrations in the County's facility at the county seat in Great Falls.

The operating framework established in this agreement defines the responsibilities of the Montana Department of Justice, Motor Vehicle Division and Cascade County. In the interest of enhancing local access to services relating to such title and registration services, Cascade County is willing to undertake certain efforts with respect to the provision of both County employees and physical space in the county seat.

The term of this agreement is (3) years and does not automatically renew without further action.

RECOMMENDATION: Approval of Contract #19-127

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE:

Mr. Chair, I move that the Commission **APPROVE** Contract #19-127: Creating an Interlocal Agreement with the Montana Department of Justice, Motor Vehicle Division which establishes the framework under which the County will provide title and licensing services to the citizens of Cascade County.

MOTION TO DISAPPROVE:

Mr. Chair, I move that the Commission **DISAPPROVE** Contract #19-127: Creating an Interlocal Agreement with the Montana Department of Justice, Motor Vehicle Division which establishes the framework under which the County will provide title and licensing services to the citizens of Cascade County.

August 27, 2019

Contract 19-128

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM: Montana Wool Growers Association Predator
Control Fund Memorandum of Understanding

INITIATED AND PRESENTED BY: Commission

ACTION REQUESTED: Approval of Contract 19-128

BACKGROUND:

In accordance with the terms of Cooperative Service Agreement between the USDA APHIS Wildlife Services Program and the Montana Wool Growers Association, Cascade County agrees to allocate \$2,685 for the protection of sheep from destructive animals. This amount is based on the Stock Sheep on the tax rolls (4475) by the Sheep License Fee/Head (.60). $4475 \times .60 = \$2,685$

EFFECTIVE: July 1, 2019 – June 30, 2020
TOTAL AMOUNT: \$2,685

RECOMMENDATION: Approval of Contract 19-128.

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE:

Mr. Chair, I move that the Commission **APPROVE** Contract 19-128, Montana Wool Growers Association Predator Control Fund Memorandum of Understanding, allocating \$2,685 for the protection of sheep from destructive animals.

MOTION TO DISAPPROVE:

Mr. Chair, I move that the Commission **DISAPPROVE** Contract 19-128, Montana Wool Growers Association Predator Control Fund Memorandum of Understanding, allocating \$2,685 for the protection of sheep from destructive animals.

August 27, 2019

Contract 19-129

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM: Montana Stockgrowers Association Predator Control Fund Memorandum of Understanding

INITIATED AND PRESENTED BY: Commission

ACTION REQUESTED: Approval of Contract 19-129

BACKGROUND:

In accordance with the terms of Cooperative Service Agreement between the USDA APHIS Wildlife Services Program and the Montana Stockgrowers Association, Cascade County agrees to allocate \$24,591 for the protection of cattle from destructive animals. This amount is based on the Stock Cattle on the tax rolls (49183) by the Cattle License Fee/Head (.50). $49183 \times .50 = \$24,591$

EFFECTIVE: July 1, 2019 – June 30, 2020
TOTAL AMOUNT: \$24,591

RECOMMENDATION: Approval of Contract 19-129.

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE:

Mr. Chair, I move that the Commission **APPROVE** Contract 19-129, Montana Stockgrowers Association Predator Control Fund Memorandum of Understanding, allocating \$24,591 for the protection of cattle from destructive animals.

MOTION TO DISAPPROVE:

Mr. Chair, I move that the Commission **DISAPPROVE** Contract 19-129, Montana Stockgrowers Association Predator Control Fund Memorandum of Understanding, allocating \$24,591 for the protection of cattle from destructive animals.

August 27, 2019

Agenda Item #1

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM: MOU with USDA Forest Service and the CCSO

INITIATED & PRESENTED BY: Sheriff Jesse Slaughter
Cascade County Sheriff's Office

ACTION REQUESTED: Approval of Contract #19-125

BACKGROUND:

The purpose of this MOU is to establish the general framework for cooperation between the Forest Service and the CCSO to further mutual law enforcement interests. Where a specific need for law enforcement assistance or investigative support has been identified, it shall be beneficial, economical and in the best interest of the public to deputize USDA Forest Service Law Enforcement Officer Kevin Arnold. This deputation is for enforcing the laws under the jurisdiction of the CCSO when a violation of law or regulation occurs on National Forest System lands or incidents affect the NFS.

TERM: The MOU expires 05/06/2024. It may be terminated at any time upon written mutual consent of the agency involved.

AMOUNT: Non-Fund Obligating Document

RECOMMENDATION: Approval of Contract #19-125

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE:

Mr. Chair, I move that the Commission **APPROVE** Contract #19-125, MOU with USDA Forest Service and the CCSO.

MOTION TO DISAPPROVE:

Mr. Chair, I move that the Commission **DISAPPROVE** Contract #19-125, MOU with USDA Forest Service and the CCSO.

MEMORANDUM OF UNDERSTANDING**Between****USDA FOREST SERVICE****And the****CASCADE COUNTY SHERIFF'S OFFICE**

This MEMORANDUM of UNDERSTANDING ("MOU" or "Agreement") is made and entered into and between the **USDA Forest Service, Region One, Law Enforcement & Investigations**, hereinafter referred to as the "**Forest Service**," and the **Cascade County Sheriff's Office**, hereinafter referred to as the "**CCSO**," acting on behalf of Cascade County, a political subdivision of the State of Montana. The Forest Service and the CCSO collectively referred to herein as the "**Parties**."

A. PURPOSE:

The purpose of this MOU is to establish a general framework for cooperation between the Forest Service and the CCSO to further the mutual law enforcement interests of the aforementioned agencies. Where a specific need for law enforcement assistance or investigative support has been identified or where initial law enforcement action for a violation in progress exists, it shall be beneficial, economical and in the best interest of the public to deputize USDA Forest Service Law Enforcement Officer Kevin Arnold hereinafter referred to as Law Enforcement Officer. This deputation is for the purpose of enforcing the laws under the jurisdiction of the CCSO when a violation of law or regulation occurs on National Forest System (NFS) lands or incidents affect the NFS; when such investigation or enforcement is mutually beneficial to the NFS and the CCSO; or when requested to respond to situations that involve a crime of violence resulting in an immediate threat to a person.

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

USDA Forest Service, Law Enforcement Officer shall have law enforcement authority to conduct initial law enforcement actions within the CCSO jurisdiction.

The CCSO by conferring their law enforcement authorities to the USDA Forest Service Law Enforcement Officer(s) have determined that such conferral will increase protection of the public and property and is beneficial, economical and advantageous to the public interest.

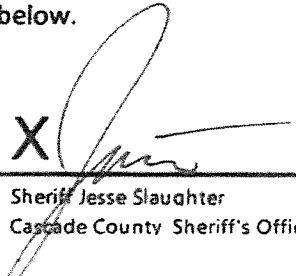
In consideration of the above premises, the parties agree as follows: that deputation of a USDA Forest Service Law Enforcement Officer will increase protection of the public and property and is beneficial, economical and advantageous to the public interest. Execution of this MOU shall be the instrument which confers the specific deputation of state or county authority unless provided for by a different method, pursuant to 16 USC §§ 551a, 553, 559d(5)

which Law Enforcement Officer it shall assign to provide services under this MOU. The Forest Service shall be solely responsible for all Law Enforcement Officer(s)' wages, timesheets, payroll deductions, federal and state taxes, unemployment compensation contributions, social security taxes, and any other benefits of its employees. Neither the Forest Service nor its employees, agents or officers are entitled to receive any benefits, social security, workers' compensation, health, disability, or unemployment from the CCSO. It is further understood that the CCSO will not provide and shall not be responsible for workers' compensation coverage for the Law Enforcement Officer assigned. Responsibility for providing such coverage remains solely with the Forest Service. When rendering services, the Law Enforcement Officer act solely as the agents of the Forest Service.

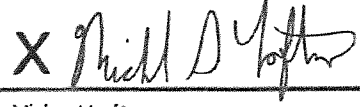
2. **FREEDOM OF INFORMATION ACT/PUBLIC ACCESS TO INFORMATION.** Any information furnished to the Forest Service under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552). Further, the CCSO is a local government unit and its records are public and subject to disclosure under Montana law. Certain information may be protected from disclosure. Protected information includes information concerning an individual privacy interest, legitimate trade secrets and other constitutionally protected proprietary information and certain information relating to individual or public safety.
3. **MODIFICATION.** Modifications within the scope of the agreement shall be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all parties, prior to any changes being performed.
4. **NON-EXCLUSIVITY.** This agreement is non-exclusive between the parties and in no way restricts either parties' rights to enter into similar activities with other public or private agencies, organizations, and individuals.
5. **TERMINATION.** Any of the parties, in writing, may terminate the agreement in whole, or in part, at any time before the date of expiration.
6. **INDEMNITY.** The Forest Service shall defend, indemnify, and hold harmless the CCSO and Cascade County, its officers, agents, employees, successors, and assignees from all claims, liabilities, causes of action or judgments, including the costs and attorney fees, asserted by or awarded to third parties as a result of any negligent action or omission or willful misconduct of the Forest Service, its employees, agents, successors, and assignees. Cascade County, acting by and through the CCSO, shall defend, indemnify, and hold harmless the Forest Service, its employees, agents, successors, and assignees from all claims, liabilities, demands, cause of action or judgments, including costs and attorney fees, asserted by or awarded to third parties as a result of any negligent action or omission

By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

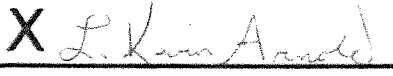
IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the date subscribed below.

X  7/10/19

Sheriff Jesse Slaughter Date
Cascade County Sheriff's Office

X  8/5/2019

Michael Lofton Date
USDA Forest Service

X  7/22/19

L. Kevin Arnold Date
U.S. Forest Service-Northern Region

CASCADE COUNTY:

DATED AND APPROVED by the Board of County Commissioners, Cascade County, Montana,
on this ____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA

Joe Briggs, Chairman

Jane Weber, Commissioner

Jim Larson, Commissioner

ATTESTATION

On this ____ day of _____, 2019, I hereby attest the above-written signatures of the
Cascade County Board of County Commissioners.

Rina Fontana Moore, Clerk and Recorder

APPENDIX A

List of Commissioned Forest Service Law Enforcement Officer(s):

NORTHEAST ZONE

Call Sign	OFFICERS	Badge#
FS-70	KEVIN ARNOLD	1981

Agenda Action Report *Prepared for the* Cascade County Commission

ITEM: Resolution # 19-51: Final Resolution Amending
County Zoning District Map

INITIATED BY: Rick & Judy Higgins, Higgins Enterprises LTD

PRESENTED BY: Sandor Hopkins, Planning Department

ACTION REQUESTED: Approval of Resolution #19-51

BACKGROUND: Rick and Judy Higgins, Higgins Enterprises LTD, have submitted a Zoning Change Application for one property located in the Special Flood Hazard Area in SW ¼ Section 34, Township 20 North, Range 3 East, P.M.M., Cascade County, MT. The property is legally described as Lot 17A of River Bend Estates Major Subdivision. The applicant is requesting the property be rezoned from “SR2” Suburban Residential 2, to “OS,” Open Space pursuant to Section 10-14(1) of the Cascade County Subdivision Regulations. This rezone will not take effect until the River Bend Estates Phase 2 Major Subdivision receives Final Plat Approval from the Cascade County Commission and is filed with the Cascade County Clerk and Recorder’s Office.

The Cascade County Planning Board recommended on June 4, 2019, that the Cascade County Commission adopt the Staff Report and approve the Zoning Change Application. On July 18, 2019, a Resolution of Intention (#19-43, R0373345) to Amend County District Zoning Map was brought before the Cascade County Commission which was adopted on a vote of 2-0.

Procedural History and Legal Notices:

- On March 7, 2019 the applicant submitted a Zoning Change Application.
- Legal notices for the Planning Board public hearing were sent to adjoining parcel owners on May 16, 2019.
- Legal notice of the Cascade County Planning Board public hearing was published in the *Great Falls Tribune* on May 19, 2019 and May 26, 2019.
- The Planning Board held a public hearing during their meeting on June 4, 2019 and recommended approval with a vote of 6-0.
- Legal notice of the June 14, 2019 Cascade County Commission hearing was published in the *Great Falls Tribune* on June 30, 2019 & July 7, 2019 and posted in 5 public places within or adjacent to the proposed district on May 31, 2019.
- First posting of legal notice begins the 45-day period requirement before the Commissioner’s meeting as required by MCA 76-2-205. The 45-day period was met on July 15, 2019.

- On July 18, 2019, the Cascade County Commission approved Resolution of Intention 19-43 to Amend County Zoning District Map (R0373345).
- Public Notice of Passage of Resolution of Intention to Amend County Zoning District Map was published in the *Great Falls Tribune* on July 21, 2019 and July 28, 2019.
- A 30-day protest period began at first publishing of this notice; this comment period ended on August 20, 2019.
- Under MCA section 76-2-205, the County Commissioners are authorized to adopt the final resolution approving the Zoning Change Application since there were no written objections received.

A 30-day protest period as required by MCA 76-2-205 (5)(d) was implemented beginning after the first posting of legal notice on May 31, 2019. No written protests were received from persons owning real property within the district. Therefore, the Board of County Commissioners may in its discretion adopt the resolution amending the zoning district within 30 days after the expiration of the protest period pursuant to MCA 76-2-205 (6).

RECOMMENDATION: Approval of Resolution #19-51, a Resolution Amending County Zoning District Map as no written protests have been received, and the thirty (30) day protest period has passed.

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE: Mr. Chair, I move that the Commissioners **APPROVE** the adoption of Resolution #19-5: A Resolution Amending County Zoning District Map for Lot 17A of River Bend Estates Phase 2 Major Subdivision from “SR2” Suburban Residential 2 to “OS” Open Space District, located in SW ¼ Section 34, Township 20 North, Range 3 East, P.M.M., Cascade County, MT.

MOTION TO DISAPPROVE: Mr. Chair, I move that the Commissioners **DISAPPROVE** the adoption of Resolution #19-51, a Resolution Amending County Zoning District Map for Lot 17A of River Bend Estates Phase 2 Major Subdivision from “SR2” Suburban Residential 2 to “OS” Open Space District, located in SW ¼ Section 34, Township 20 North, Range 3 East, P.M.M., Cascade County, MT.

Attachments: Final Resolution
Resolution of Intention
Preliminary Plat
Affidavit of Publication

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA**

**RE: RESOLUTION AMENDING COUNTY
ZONING DISTRICT MAP**

Resolution 19-51

WHEREAS, under the provision of Title 76, Chapter 2, Part 2, Montana Code Annotated, the Board of County Commissioners is authorized to adopt zoning regulations; and

WHEREAS, a Zoning District and Regulations therefore was created by Resolution passed by the Board of County Commissioners on April 26, 2005, as documented on Resolution 05-018 on file in the Office of the Clerk and Recorder of Cascade County; and

WHEREAS, since the passage of above-mentioned Resolution, a petition for change of zoning district classification from "SR2" Suburban Residential 2 District to "OS" Open Space District for Lot 17A of the River Bend Estates Phase 2 Major Subdivision located in the SW ¼ Section 34, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, has been received; and

WHEREAS, in accordance with Section 76-2-204, Montana Code Annotated, and Section 14 of the Zoning Regulations, the Board of County Commissioners shall require the County Planning Board to act as a zoning commission to recommend boundaries and appropriate regulations for the various zoning districts; and

WHEREAS, legal notice of Planning Board public hearing regarding the zoning change application was published in the *Great Falls Tribune* on May 19 & 26, 2019; and

WHEREAS, the Cascade County Planning Board on June 4, 2019, held a public hearing to allow any interested party to speak for or against the requested change; and

WHEREAS the Cascade County Planning Board during the public hearing held June 4, 2019 discussed the above-mentioned rezoning application in association with the River Bend Estates Phase 2 Major Subdivision and passed a motion recommending the County Commissioners approve said Zoning Change Application; and

WHEREAS, the Cascade County Planning Board is performing in an advisory capacity to the Board of County Commissioners regarding zoning and has provided a written report to the County Commissioners regarding the above-mentioned Zoning Change Application; and

WHEREAS, legal notice of the Commissioners public hearing was published in the *Great Falls Tribune* on June 30 & July 7, 2019 and posted in five public places within or adjacent to the proposed district on May 31, 2019; and

WHEREAS, on July 18, 2019, the Board of County Commissioners passed a "Resolution of Intention to Amend County Zoning District Map" (R0373345); and,

WHEREAS, on July 21, 2019 and July 28, 2019, the Board of County Commissioners did cause to be published in the *Great Falls Tribune* a "Public Notice of Passage of Resolution of Intention to Amend County Zoning District Map"; and

BEFORE THE BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MT

RETURN TO COMMISSION

RESOLUTION OF INTENTION
TO AMEND COUNTY ZONING DISTRICT MAP

RESOLUTION #19-43

WHEREAS, under the provision of Title 76, Chapter 2, Part 2, Montana Code Annotated, the Board of County Commissioners is authorized to adopt zoning regulations; and

WHEREAS, a Zoning District and Regulations therefore was created by Resolution passed by the Board of County Commissioners on April 26, 2005, as documented on Resolution #05-018, on file in the Office of the Clerk and Recorder of Cascade County; and

WHEREAS, since the passage of above-mentioned Resolution, a petition for change of zoning district classification from "SR2" Suburban Residential 2 District to "OS" Open Space District classification for a portion of parcel 0002019130 located in Section 34, Township 20 North, Range 3 East P.M.M., Cascade County, Montana, or Lot 17A of the River Bend Estates Phase 2 Major Subdivision;

WHEREAS, in accordance with Section 76-2-204, Montana Code Annotated, and Section 14 of the Zoning Regulations, the Board of County Commissioners shall require the County Planning Board to act as a zoning commission to recommend boundaries and appropriate regulations for the various zoning districts; and

WHEREAS, legal notice of public hearing regarding the requested county zoning change required by Section 10-14(A) of the Cascade County Subdivision Regulations was published in the *Great Falls Tribune* on May 19, 2019, May 26, 2019, June 30, 2019, and July 7, 2019; and

WHEREAS, the Cascade County Planning Board on June 4, 2019 held a public hearing to allow any interested party to speak for or against the requested change; and

WHEREAS the Cascade County Planning Board during the public hearing held June 4, 2019 discussed the above-mentioned rezoning application and passed a motion, 6-0, recommending the County Commissioners approve said map amendment petition; and

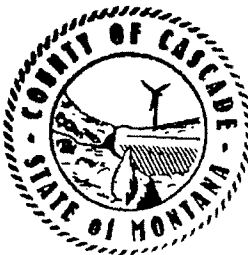
WHEREAS, the Cascade County Planning Board is performing in an advisory capacity to the Board of County Commissioners regarding zoning and has provided a written report to the County Commissioners regarding the above-mentioned rezoning application

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Cascade County as follows:

There is hereby passed this Resolution of Intention to provide for the change of zoning district classification from "SR2" Suburban Residential 2 District to "OS" Open Space District classification for a portion of parcel 0002019130 located in Section 34, Township 20 North, Range 3 East P.M.M., Cascade County, Montana, or Lot 17A of the River Bend Estates Phase 2 Major Subdivision as shown on Exhibit A attached hereto and by this reference incorporated herein.

The proposed County Zoning Map Change is on file for public inspection at the office of the County Clerk and Recorder in and for Cascade County, Montana.

Dated this 18th day of July, 2019.



BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA

Joe Briggs Chair

James Larson Commissioner

Excused Commissioner
Jane Weber

Rina F. Moore
By deputy K Baker
Clerk and Recorder

R0373345 CRS

Total Pages: 1 R-0-00 By: march 07/18/2019 04:02:37 PM
Cascade County, Rina F. Moore - Clerk & Recorder



GREAT FALLS TRIBUNE

PART OF THE USA TODAY NETWORK

AFFIDAVIT OF PUBLICATION
THE GREAT FALLS TRIBUNE
205 RIVER DR S
GREAT FALLS, MT 59405
Phone: (406) 791-1444
Toll Free (800) 438-6600

CAS CTY PLANNING DEPT
121 4TH ST N STE 2H
GREAT FALLS, MT 59401

FAL-6COL Legal

PUBLIC NOTICE
OF
PASSAGE OF RESOLUTION
OF INTENTION
TO AMEND COUNTY ZONING
DISTRICT MAP

REFERENCE: FAL-003281 CASE NO:
0003693607 District Map

NOTICE IS HEREBY GIVEN
that the Board of County Com-
missioners of Cascade County,
Montana, did, on July 18, 2019,
duly pass a "Resolution of In-
tention to Amend County Zoning
District Map."

I, being first duly sworn deposes and says that GREAT FALLS TRIBUNE
COMPANY is a corporation duly incorporated under the laws of the State
of Delaware, that the said GREAT FALLS TRIBUNE COMPANY is the
printer and publisher of the GREAT FALLS TRIBUNE, a daily newspaper
of general circulation of the County of Cascade, State of Montana, and
that the deponent is the principal clerk of said GREAT FALLS TRIBUNE
COMPANY, printer of the GREAT FALLS TRIBUNE, and that the
advertisement here to annexed...

Said Resolution of Intention re-
lates to a change of zoning
district classification for a por-
tion of the property described as
Parcel # 0002019130 Geocode 02-
3015-34-3-01-01-000 located with-
in Section 34, Township 20 N,
Range 3 E, P.M.M., Cascade
County, Montana, Tract 1A of
Certificate of Survey 5179, from
"SR2" Suburban Residential 2 to
"OS" Open Space. This portion
of the property lies within the
Special Flood Hazard Area and
is required to be rezoned to
Open Space pursuant to Section
10-14(1) of the Cascade County
Subdivision Regulations in asso-
ciation with River Bend Estates
Phase 2 Major Subdivision.

PUBLIC NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO
AMEND COUNTY ZONING DISTRICT MAP NOTICE IS HEREBY
GIVEN that the

Has been correctly published 2 times in the regular and entire issue of said
paper on the following dates:

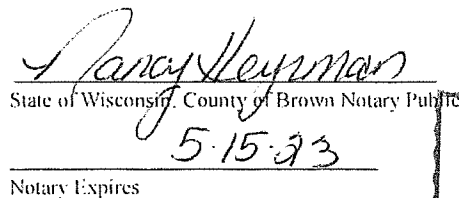
07/21/19, 07/28/19


LEGAL CLERK

8-1-19
DATE

known to me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he/she executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial
Seal of the day and year first above written.


State of Wisconsin, County of Brown Notary Public
5-15-23
Notary Expires

NANCY HEYRMAN
Notary Public
State of Wisconsin

The Resolution of Intention is on
file for public inspection at the
Office of the County Clerk and
Recorder and Planning Depart-
ment for Cascade County,
Montana.

For thirty (30) days after the
first publication of this notice,
the Board of County Commis-
sioners of Cascade County will
receive written protests to the
proposal to amend the County
Zoning District Map.

BOARD OF COUNTY COMMIS-
SIONERS
CASCADE COUNTY,
MONTANA

/s/ Joe Briggs, Chair
/s/ Jim Larson, Commissioner
/s/ Jane Weber, Commissioner
ATTEST:
/s/ Clerk & Recorder
(3693607) 7/21, 7/28.
MNAXLP

August 27, 2019

AGENDA # 3

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM	Staff Report for 4601 River Drive North Storage Building for Lease or Rent Application
INITIATED BY	Ken Weinheimer
SUBJECT	Block 1 Lot 3 of Henke Tracts Minor Subdivision, Section 4, Township 20N, Range 4E
EXISTING ZONING	Heavy Industrial
ACTION REQUESTED	Approval of Buildings for Lease or Rent Application
PURPOSE	Construction of 1 building housing approximately 82 mini storage units
RECOMMENDATION	Approval of 4601 River Drive North Storage Buildings for Lease or Rent Application
PRESENTED BY	Sandor Hopkins, Interim Planning Director

STAFF REPORT FOR
4601 RIVER DRIVE NORTH MINI STORAGE
BUILDINGS FOR LEASE OR RENT APPLICATION

BACKGROUND:

The 2013 Montana Legislative Session passed Senate Bill 324 to regulate Buildings for Lease or Rent (BLR). Some of Montana's counties felt developers and land owners were attempting to skirt subdivision regulations when they developed projects meant for leasing or renting buildings. BLR regulations are an attempt to ensure all of Montana's counties regulate these buildings. Cascade County established their own set of BLR regulations on November 12, 2013 with Resolution No 13-93, passed with a unanimous supermajority by the Board of Commissioners.

The Applicant's proposed one (1) building housing approximately eighty-two (82) storage units is permitted under the BLR regulations. The property currently hosts 5 other storage buildings, and office, and is zoned Heavy Industrial (I2). A building is defined in § 76-8-101(1), MCA, a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. Any proposed storage development with more than thirty (30) units must be approved by the Cascade County Commission.

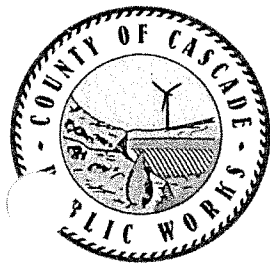
SPECIAL INFORMATION:

1. The lot will be accessed by an existing approach from the Montana Department of Transportation controlled River Drive North, no new access will be required, a permit from Montana Department of Transportation has been previously issued.
2. The proposed storage units will receive law enforcement services from the Cascade County Sheriff's Office and fire protection services from the Black Eagle Volunteer Fire Department. Proximity to services provided by the City of Great Falls may mean that the Great Falls Police Department or Great Falls Fire Department may be the first on scene.
3. This new development will have one (1) building constructed with approximately eighty-two (82) storage units. The proposed building will not require water or wastewater facilities.
4. Storage will be contained inside all storage units, outside storage of recreation vehicles, boats, or motor vehicles will require installation of shielding or sight obscuring materials.
5. The property has received approval from the Montana Department of Environmental Quality for this expansion.

RECOMMENDATION: Cascade County Staff, after reviewing the Buildings for Lease or Rent Application, have found that this application meets the requirements of Cascade County Zoning, and Buildings for Lease or Rent regulations and recommends approval of the proposal.

TWO MOTIONS PROVIDED FOR CONSIDERATION

MOTION TO APPROVE:



Buildings for Lease or Rent Application

Cascade County Public Works Department
Planning Division
121 4th St No, STE 2H/I, Great Falls MT 59401
Phone: 406-454-6905 Fax: 406-454-6919

\$400.00 Non Refundable Application Fee Required

Payment: Check (#) 7037 Cash

OFFICE USE ONLY

Date Application Received: 8/12/2019

Type of Development: Mini-Storage

Name of Owner/Applicant: Aspen Air, LLC - Attn: Ken Weinheimer Phone: 406-868-3939

Mailing Address: 4601 River Drive North City: Great Falls State: MT Zip: 59405

Proposed Development: Additional Storage Units - Building 5

Legal Description: NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4 Township 20N Range 4E

1. Application Requirements:

- A. A copy of the deed or other legal description of the real property.
- B. Evidence of the landowner's title and interest in the land for which the application is being made.
- C. A site plan showing:
 - i. North arrow and scale bar (minimum scale of 1:20);
 - ii. Property boundaries;
 - iii. Existing and proposed onsite and adjacent offsite streets, roads, and easements that will serve the proposal;
 - iv. Existing and proposed access to the subject property;
 - v. Pertinent geographic features of the subject property, including any significant topographical features and designated floodplain;
 - vi. Location of existing and proposed water, wastewater and solid waste facilities serving the subject property;
 - vii. The location of existing and proposed buildings or structures on the subject property.

- D. A detailed narrative of existing and proposed buildings and their location on the subject property, including the uses proposed for each and the approximate floor area and ground coverage of each building.
- E. A detailed narrative of the proposed water, wastewater, and solid waste disposal facilities intended to serve the buildings for lease or rent.
- F. A detailed narrative of the emergency medical, fire, and law enforcement services proposed to serve the buildings for lease or rent.
- G. A detailed narrative describing the existing and proposed access to and from the site, as well as the onsite circulation providing access to the existing and proposed buildings for lease or rent.
- H. A detailed narrative assessing the potential significant impacts on the surrounding physical environment or human population as a result of the proposed building for lease or rent, including a description of any proposed mitigation measures to avoid or minimize impacts anticipated.

2. Review Process

- A. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
- B. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
- C. If the application is complete, the administrator shall complete review of the application and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.
- D. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.

ATTEST: I hereby certify that the information given herein is true and correct to the best of my knowledge. There are no restrictions placed upon my property which would prohibit the issuance of this permit. If there are any restrictions, then this permit shall become null and void. I hereby grant permission to any Cascade County Official to enter my property to inspect for compliance with the County Zoning Regulations in relation to this application.

Applicant Signature: Kenneth J. Weinheimer <sup>Managing Member,
Aspen Ark. LLC</sup> Date: 7-31-2019

Signature of Owner / Printed Name Kenneth J. Weinheimer Date 7-31-2019

The application must be signed by the owner of the land proposed for lease or rent.

19A – River Drive North Storage Units – Additional Units (Building 5)
Cascade County Buildings for Lease or Rent Application
Application Narrative
8/12/19

1. Application Requirements

- A. A copy of the existing amended subdivision plat is attached. (Lot 3, Block 1, Henke Tracts Minor).
- B. A Subdivision Guarantee from a title company is attached for review.
- C. A site plan is attached.
- D. Please refer to the site plan detailing existing and proposed buildings on the subject property. The newly proposed building is shown as “Building 5”. The buildings will consist of storage units for rent. Approximate building size and proposed storage unit count is included on the site plan.
- E. The proposed development will not require water, wastewater, or solid waste improvements as it will be served by the existing office building on the subject property. The existing office building includes an underground water storage cistern that is serviced by licensed water hauler Prairie Water and a permitted septic tank and drainfield for wastewater treatment and disposal (Cascade County Permit 191-99).
- F. Emergency medical (Great Falls Emergency Services), fire (Black Eagle Fire Department & City of Great Falls Fire), and law enforcement services (Cascade County Sheriff’s office & City of GF) will be served by existing facilities for adjacent developed properties. The small development will have minimal impacts on existing medical, fire, and law enforcement facilities.
- G. The proposed development will be accessed from the existing approach to the adjacent River Drive North Storage Units. The existing approach is connected to MDT-controlled River Drive North. No new highway access will be required for the proposed development. Refer to the site plan for additional information.
- H. The proposed storage units are being constructed to expand the storage at the existing facility. The subject property is industrially zoned and is located adjacent to industrial properties as well as the existing storage unit facility. The proposed development will have minimal impacts on the surrounding environment. A storm water detention and treatment pond will be constructed to mitigate any potential storm drainage impacts associated with the installation of the new building on the subject property.

Buildings for Lease or Rent Application Approval
under authority of Title 76, Part 8, Montana Code Annotated

On August 27, 2019, the Cascade County Commissioners met and approved the application submitted by Ken Weinheimer, for one (1) storage building housing a total of eighty-two (82) mini-storage units on Block 1 Lot 3 of Henke Tracts Minor Subdivision, Section 4, Township 20 North, Range 4 East, PMM, Cascade County, MT. The Commissioners approved the application with the following conditions:

- 1) The applicant must obtain any other required Federal, State, or County permits and comply with the regulations associated with any other permits; and
- 2) The principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and
- 3) Storage of flammable or explosive liquids, solids, or gases shall not be permitted; and
- 4) Landscaping requirements shall be in accordance with § 8.18 of the Cascade County Zoning Regulations; and
- 5) Applicant obtain Location/Conformance Permit for the proposed development; and

Dated this _____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
OF CASCADE COUNTY

Joe Briggs, Chair

James L. Larson, Commissioner

Jane Weber, Commissioner

Attest:

Rina Fontana Moore, Clerk and Recorder

Attachment for Aspen Air, LLC Approach:

C005205N MM 5.9

1. This permit is for updating the new owners of an existing approach. No work will be done to the approach. Any change of use will require a new permit.
2. There will be no modifications to the surface or width of the approach. Any modifications to the approach will require a new permit.
3. Contact MDT Superintendent Scott Western at 406-454-5891 if you have any questions regarding this permit.

C005205N MM 5.9



MDT-MAI-006 11/13

Page 2 of 2

State of Montana

Montana Department of Transportation

Driveway Approach Application and Permit

7701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001
Phone: (406) 444-7237
Fax: (406) 444-0807
TTY: (406) 444-7696
www.mdt.mt.gov

(INSTRUCTIONS CONCERNING USE OF THIS FORM)

Applicant will complete and deliver this form in duplicate to the District Administrator serving the area in which the Approach Permit is requested.

The District Administrator, in conjunction with the District Traffic Engineer, is delegated authority to approve curb cuts, public and private approaches serving businesses, residences and agricultural uses in rural or urban areas without further consultation if the traffic conditions are not congested. In congested areas, usually urban situations, the District Administrator and District Traffic Engineer can request the Traffic and Safety Engineer in Helena for additional technical assistance. If this is necessary, the approach should be scaled onto existing plan and profile sheets showing the highway right-of-way and sent to Helena.

- APPROACH PERMIT -

Subject to the following terms and conditions, the permit applied for upon the reverse side hereof, is hereby granted:

- 1) **TERM.** This permit shall be in full force and effect from the date hereof until revoked as herein provided.
- 2) **REVOCATION.** This permit may be revoked by State upon giving thirty (30) days notice to Permittee by ordinary mail, directed to the address shown in the application hereto attached, but the State reserves the right to revoke this permit without giving said notice in the event Permittee breaks any of the conditions or terms set forth herein.
- 3) **COMMENCEMENT OF WORK.** No work shall be commenced until Permittee notifies the Department of Transportation when work is proposed to commence.
- 4) **CHANGES IN HIGHWAY.** If the State changes the highway, or there are other changes to adjoining streets, alleys, etc., which necessitate alterations in structures or installations installed under this permit, Permittee shall make the necessary alterations at Permittee's sole expense or in accordance with a separate agreement.
- 5) **STATE SAVED HARMLESS FROM CLAIMS.** In accepting this permit the Permittee, its/his successors or assigns, agree to protect the State and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right of way, and in case any suit or action is brought against the State and arising out of, or by reason of, any of the above causes, the Permittee, its/his successors or assigns, will upon notice to it/him of the commencement of such action, defend the same at its/his sole cost and expense and satisfy any judgment which may be rendered against the State in any such suit or action.
- 6) **PROTECTION OF TRAFFIC.** Submit a traffic control plan for review and approval prior to any work being performed in MDT Right-of-Way. Traffic control must meet current MUTCD and MDT standards and guidance. The approval shall in no way operate to relieve or discharge the Permittee from any of the obligations assumed by acceptance of this permit, and especially those set forth under Section 6 thereof.
- 7) **HIGHWAY DRAINAGE.** If the work done under this permit interferes in any way with the drainage of the State Highway affected, Permittee shall, at its/his own expense, make such provisions as the State may direct to take care of said drainage.
- 8) **RUBBISH AND DEBRIS.** Permittee is responsible for debris that is carried onto the roadway by this construction with sweeping and cleaning done daily at permittee's expense. Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and the roadside left in a neat and presentable condition satisfactory to the State.
- 9) **WORK TO BE SUPERVISED BY STATE.** All work contemplated under this permit shall be done under the supervision of and to the satisfaction of the authorized representative of the State, and the State hereby reserves the right to order the change of location or removal of any structure or installation authorized by this permit at any time, said changes or removal to be made at the sole expense of the permittee.
- 10) **STATE'S RIGHT NOT TO BE INTERFERED WITH.** All such changes, reconstructing or relocation shall be done by Permittee, in such a manner as will cause the least interference with any of the State's work, and the State shall in no way be liable for any damage to the Permittee by reason of any such work by the State, its agents, contractors or representatives, or by the exercise of any rights by the State upon the highways by the installations or structures placed under this permit.
- 11) **REMOVAL OF INSTALLATIONS OR STRUCTURES.** Unless waived by the State, upon termination of this permit, the Permittee shall remove the installations or structures contemplated by this permit and restore the premises to the condition existing at the time of entering upon the same under this permit, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.
- 12) **MAINTENANCE AT EXPENSE OF PERMITTEE.** Permittee shall maintain, at its/his sole expense the installations and structures for which this permit is granted, in a condition satisfactory to the State.
- 13) **STATE NOT LIABLE FOR DAMAGE TO INSTALLATIONS.** In accepting this permit the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for the State, or by any State employee engaged in construction, alteration, repair, maintenance or improvement of the State Highway, shall be at the sole expense of the Permittee.
- 14) **STATE TO BE REIMBURSED FOR REPAIRING ROADWAY.** Upon being billed therefor Permittee agrees to promptly reimburse State for any expense incurred in repairing surface or roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this permit.
- 15) **OTHER CONDITIONS AND/OR REMARKS.**
 - a. All approach side slopes will preferably be constructed on 10 to 1 slope but not less than 6 to 1 slope, unless otherwise approved.
 - b. No private signs or devices etc., will be constructed or installed within the highway right-of-way limits.
 - c. This permit is valid only if approach construction is completed within specified months from date of issue. _____ Months
 - d. Prior to Starting work, for construction inspection and approval of completed approach contact _____
 - e. ☐ See attached addendum

Dated at: _____

Agreement Date: _____

The undersigned, the Permittee mentioned in the foregoing instrument, hereby accepts this permit, together with all of the terms and conditions set forth therein


Signed by Permittee

To be filled in by Department of Transportation Personnel

Completed Approach Inspection By: _____

Date: _____

Title: _____



MDT-ENV-006 04/17

Page 2 of 2

Montana Department of Transportation Environmental Checklist

2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001
Phone: (406) 444-7228
Fax: (406) 444-7245
TTY: (406) 444-7696
www.mdt.mt.gov

Is the proposed action part of a project that may require other governmental permits, licenses or easements? If "Yes", describe the full extent of the project and any other permits, licenses or easements that may be necessary for the applicant to acquire. ☐ Yes ☒ No

- | | | |
|---|-------------------------------------|----------------------|
| 17 Attach a brief description of the work to be performed, including any subsurface work. | <input checked="" type="checkbox"/> | Description Attached |
| 18 Attach representative photos of the site(s) where the proposed action would be implemented. Photos are to include any structures, streams, irrigation canals, and/or potential wetlands in the project area. | <input checked="" type="checkbox"/> | Photos Attached |
| 19 Attach map(s) showing the location(s) of the proposed action(s); Section, Township, Range; highway or route number and approximate route post(s). | <input checked="" type="checkbox"/> | Maps Attached |

Checklist preparer:

Kevin May, P.E.

Title:

Project Engineer

Date

Mar 5, 2019

Signature

Reviewed for completeness by:

MDT District Representative
Title
Date

Checklist Approved by:

Environmental Services Bureau
(When any of the items 1 through 16 are checked "Yes")

Title

Date

Transportation Planning
(When any of the items 15 or 16 are checked "Yes")

Title

Date

Checklist Conditions and Required Approvals

A. The applicant is not authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

B. Complete the checklist items 1 through 16, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. Ensure that information required for items 17, 18, and 19, is attached. The checklist preparer, by signing, certifies the accuracy of the information provided.

C. If "Yes" is indicated on any of the items, the Applicant must explain the impacts as applicable. Appropriate mitigation measures that will be taken to avoid, minimize, and/or mitigate adverse impacts must also be described. Any proposed mitigation measures will become a condition of approval. Use attachments if necessary. If the applicant checks "No" and the District concludes there may in fact be potential impacts, the Environmental Checklist must be forwarded to Transportation Planning for review and approval.

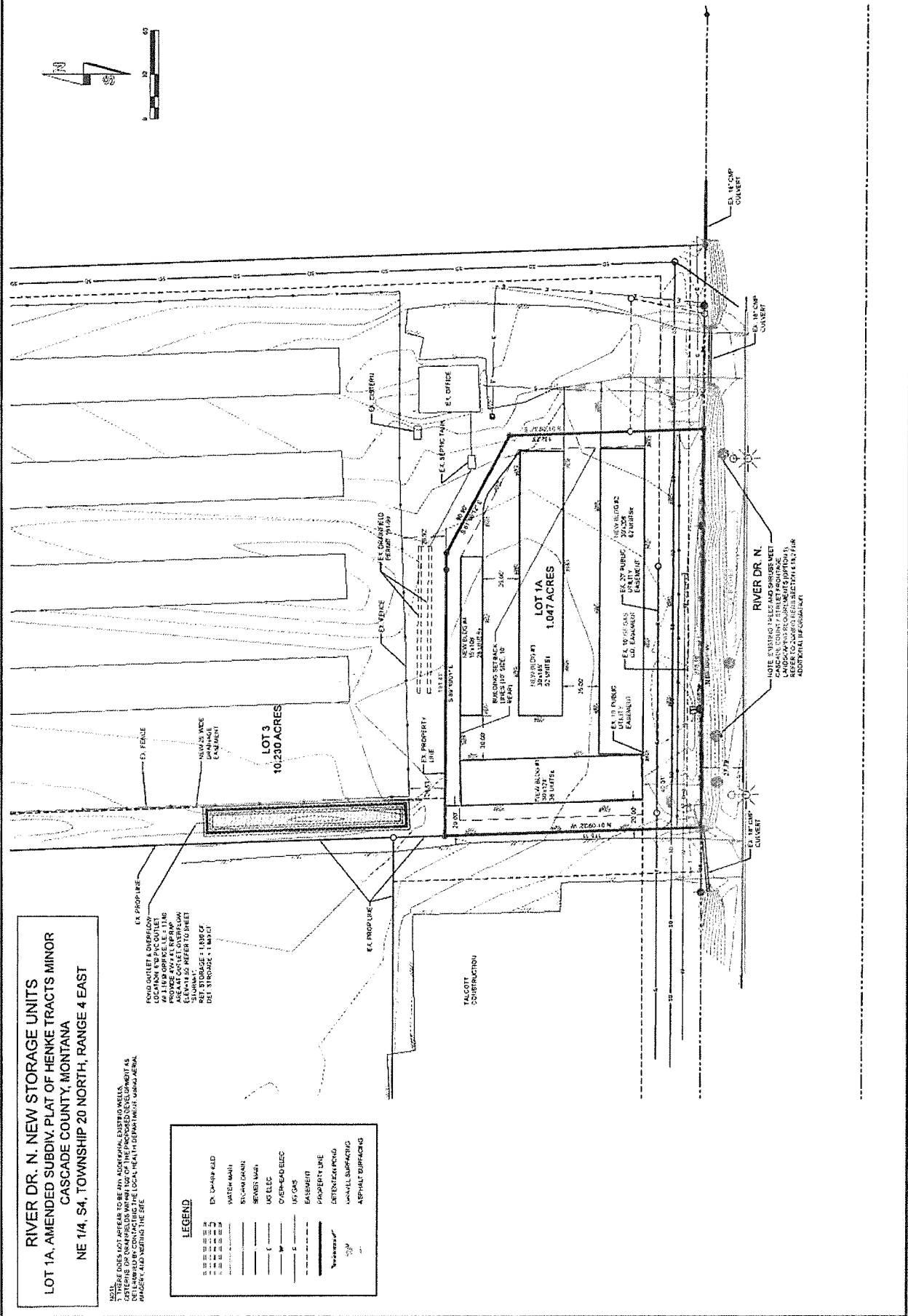
D. If "Yes" is indicated in item 11 a. (threatened or endangered species), the Applicant should provide information naming the particular species and the expected location, distribution and habitat use in the proposed action area, i.e. within the immediate area of the proposed action; or, in the general area on occasion (seasonally passes through) but does not nest, den or occupy the area for more than a few days.

E. If the applicant checks "Yes" for any item, the approach permit, occupancy agreement or permit, along with the checklist and supporting information, including the Applicant's mitigation proposal, documentation, evaluation and/or permits must be submitted to Transportation Planning. Electronic format is preferred.

F. When the applicant checks "Yes" to any item, the Applicant cannot be authorized to proceed with the proposed work until the MDT Environmental Services Bureau and/or Transportation Planning, as appropriate, reviews the information and signs the checklist.

G. Applicant must obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the proposed action or activity. The Applicant is solely responsible for any environmental impacts incurred as a result of the project; obtaining any necessary environmental permits, notifications, and/or clearances; and ensuring compliance with environmental laws and regulations.

FIGURE:
D-1





April 30, 2019

Kevin May
Big Sky Civil & Environmental Company
PO Box 3625
Great Falls MT

RE: McGills Occasional Sale COSA Rewrite
Cascade County
E.Q. #19-1889

Dear Mr. May:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

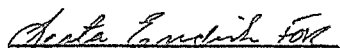
Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

In addition, your project may be subject to Federal regulations relating to Class V injection wells. Please contact the United States Environmental Protection Agency regarding specific rules that may apply.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you have any questions, please contact this office.

Sincerely,


Rachel Clark, Supervisor
Subdivision Review Section

RC/le

cc: County Sanitarian
County Planning Board (e-mail)
Owner

THAT when the existing individual wastewater treatment system serving the existing commercial office building is in need of extensive repairs or replacement it shall be replaced by a septic tank and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, & 6 ARM, and the most current Cascade City-County Regulations for Wastewater Treatment Systems, and,

THAT a replacement drainfield area shall be sized without reduction, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100-year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT storm drainage facilities shall consist of site grading and a retention pond with a designed outlet constructed in accordance with the Storm Drainage Plans dated April 19, 2019, signed and stamped by Kevin May, Montana Professional Engineer Number 38402 PE, and approved under EQ #19-1890, and,

THAT the stormwater design requires a retention pond with a minimum volume of 3,163 cubic feet be constructed and located in accordance with the approved plans, and,

THAT the operation and maintenance of water supply, sewage treatment systems, and stormwater facilities will be the responsibility of the lot owner, and,

THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Plat approved location of water supply, sewage treatment system and storm drainage structures as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.



April 29, 2019

Kevin May, PE
Big Sky Civil & Environmental, Inc.
1324 13th Ave. SW
Great Falls, MT 59403

RE: McGillis Occasional Sale COSA Rewrite – Commercial Stormwater; EQ #19-1890

Dear Mr. May:

The storm drainage design and lot layout for the subject submittal were received by the Department on March 20, 2019. Additional information, including revised stormwater plans, were received by the Department on April 22, 2019. The stormwater plans were submitted under the seal of **Kevin May, PE #38402**. The subject project was reviewed in accordance with Circular DEQ-8, 2017 Edition. **The proposed stormwater design is hereby approved.**

The project is in Cascade County, just outside the corporate boundary of the City of Great Falls, generally located north of the 4500 block of River Drive North. The project generally consists of site grading to convey stormwater runoff to a single retention pond as shown on the approved plans.

The project may not be placed into service until the project engineer or designer certifies by letter to the Department that the activated portion of the project was constructed in substantial accordance with the plans approved by the Department and there are no deviations from the design standards other than those previously approved by the department. Within 90 days after the completion of construction, a complete set of certified "as-built" drawings must be signed and submitted to the Department.

Construction of this project must be completed within three years of the approval date. If more than three years elapse before completing construction, plans and specifications must be resubmitted and approved before construction begins.

Additionally, if construction disturbance exceeds 1-acre, a construction stormwater permit will be required. Information can be obtained by contacting the Water Protection Bureau at 444-5310.

[illegible]

August 27, 2019

Agenda Item #4

Agenda Action Report
prepared for the
Cascade County Commission

ITEM: Resolution Adopting a Policy Regarding Use of
County Open Space Property

ACTION REQUESTED: Approval of Resolution #19-52

PRESENTED BY: Carey Ann Haight, Deputy County Attorney

SYNOPSIS:

The Board of County Commissioners has not established a formal written policy regarding usage of the county's open space property (e.g. Courthouse lawn). As there continues to be an interest in utilizing the property, staff recommended the establishment of a formal usage policy so that all users of the county's open space property are aware of usage requirements and are treated consistently, and to help safeguard and preserve county property. This policy applies to the open spaces and is not intended to be used for facility rentals such as those at ExpoPark.

RECOMMENDATION:

Staff recommends that the Commission approve the Resolution adopting the Policy Regarding Use of County Open Space Property.

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE:

Mr. Chair, I move that the Commissioners **APPROVE** Resolution #19-52: A Resolution Adopting A Policy Regarding Use of County Open Space Property.

MOTION TO DISAPPROVE:

Mr. Chair, I move that the Commissioners **DISAPPROVE** Resolution #19-52: A Resolution Adopting A Policy Regarding Use of County Open Space Property.

BEFORE THE BOARD CASCADE COUNTY COMMISSIONERS

**IN THE MATTER OF ADOPTING A POLICY
REGARDING USE OF COUNTY
OPEN SPACE PROPERTY**

RESOLUTION 19-52

WHEREAS, the Board of County Commissioners has, pursuant to MCA § 7-5-2101, jurisdiction and power, under such limitations and restrictions as are prescribed by law, to represent the county and have the care of the county property and the management of the business and concerns of the county in all cases where no other provision is made by law; and

WHEREAS, pursuant to MCA § 7-5-2102, the Board of County Commissioners has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to make and enforce such rules for its government, the preservation of order, and the transaction of business as may be necessary; and

WHEREAS, the Board of County Commissioners has not established a formal written policy regarding usage of the county's open space property (e.g. Courthouse lawn) but wishes to establish a usage policy so that all users of county's open space property are aware of usage requirements and are treated consistently, and to help safeguard and preserve county property; and

WHEREAS, the Board of County Commissioners does not intend for this policy to apply to or otherwise supplant policies and practices in place for the county's buildings and facilities (e.g. ExpoPark);

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners establishes, effective immediately, "Rules for the Use of County Open Space Property" attached hereto as of this date.

Passed and adopted this 27th day of August, 2019.

BOARD OF COUNTY COMMISSIONERS
OF CASCADE COUNTY, MONTANA

Joe Briggs, Chairman

James L. Larson, Commissioner

Jane Weber, Commissioner

Attest

On this 27th day of August, 2019, I hereby attest the above-written signatures of the Board of Cascade County Commissioners.

Rina Fontana Moore, Cascade County Clerk and Recorder

* APPROVED AS TO FORM:
Josh Racki, County Attorney

DEPUTY COUNTY ATTORNEY

* THE COUNTY ATTORNEY HAS PROVIDED ADVICE AND APPROVAL OF THE FOREGOING DOCUMENT LANGUAGE ON BEHALF OF THE BOARD OF CASCADE COUNTY COMMISSIONERS, AND NOT ON BEHALF OF OTHER PARTIES OR ENTITIES. REVIEW AND APPROVAL OF THIS DOCUMENT BY THE COUNTY ATTORNEY WAS CONDUCTED SOLELY FROM A LEGAL PERSPECTIVE AND FOR THE EXCLUSIVE BENEFIT OF CASCADE COUNTY. OTHER PARTIES SHOULD NOT RELY ON THIS APPROVAL AND SHOULD SEEK REVIEW AND APPROVAL BY THEIR OWN RESPECTIVE COUNSEL.

RULES FOR THE USE OF COUNTY OPEN SPACE PROPERTY

Cascade County public open space property is to be enjoyed by all citizens and visitors of Cascade County. To keep the public open space property in the best possible condition, the following rules have been adopted by Cascade County.

1. All equipment and supplies needed for the event shall be provided by the user. Refuse shall be disposed of in the appropriate containers and/or removed from the property no later than the time use has ceased.
2. Any heavy objects such as trailers, equipment, animals, cooking equipment, garbage containers, ice chests, coolers, tents, etc., shall not be placed on the grass. Such items may be placed on the cemented areas only. The County reserves the right to review placement of all items on lawns and sidewalks to insure the adequate safety of the users and the public and to insure the best protection of the lawn, shrubs, trees, sidewalks, etc.
3. Any damage to flowers, shrubs, sidewalks, trees, or any other County property in the may be itemized by the County and charged to the user within one week of the event.
4. No alcoholic beverages are allowed.
5. No user of the County public open space property shall obstruct or otherwise render vehicular or pedestrian traffic impassable, not shall such users obstruct or render the free ingress or egress to public places impassable.
6. The County shall not provide electrical power or other utilities. All power cords, lights, and accessories shall be provided by the user.
7. No user of County public open space property shall be obstruct, impair or hinder the performance of governmental functions. Cascade County's operations (including routine maintenance, landscaping, etc.) and its workforce have precedence over third party use of county property. Accordingly, the user shall ensure, at all times, that Cascade County's operations and those persons performing such operations are not unreasonably disrupted or interfered with.